

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE. N/S Baltimore National Pike, 956 ft. W of Ingleside Avenue 5730 Baltimore National Pike 1st Election District 1st Councilmanic District Westview Mall Associates Legal Owner ShowBiz Pizza Time, Inc., (Tenant) Petitioner

AMENDED ORDER

WHEREAS, the Petitioner herein requested a Petition for Special Exception for an arcade as provided in Section 423.b. of the Baltimore County Zoning Regulations (B.C.Z.R.); and, pursuant to the Petition for Zoning Variance, a variance from Section 233.2.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a maximum of 50 coin operated children's rides in lieu of the permitted maximum of 6 coin operated children's rides; and,

WHEREAS, an Order was issued on July 17, 1991 granting the requested relief; and,

WHEREAS, the Petitioner requested to modify slightly the size and dimensions of the proposed structure and those modified dimensions are shown on Petitioner's Exhibit No. A.

NOW, THEREFORE, it is this 31st day of July, 1991, by Order of the Zoning Commissioner of Baltimore County, that the relief granted in the order of July 17, 1991 be and is hereby AMENDED to include the slightly modified size and dimensions of the proposed structure as shown on Petitioner's Exhibit No. A; and,

IT IS FURTHER ORDERED, that all other terms, conditions and restrictions of the original Order of July 17, 1991 shall remain in full force and effect except as amended herein.

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:mmm
cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date
By

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IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE. N/S Baltimore National Pike, 956 ft. W of Ingleside Avenue 5730 Baltimore National Pike 1st Election District 1st Councilmanic District Westview Mall Associates Legal Owner ShowBiz Pizza Time, Inc., (Tenant) Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to a Petition for Special Exception, an arcade as provided in Section 423.b. of the Baltimore County Zoning Regulations (B.C.Z.R.); and, pursuant to the Petition for Zoning Variance, a variance from Section 233.2.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a maximum of 50 coin operated children's rides in lieu of the permitted maximum of 6 coin operated children's rides, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, by Michael Conter, appeared, testified and was represented by Stuart Kaplow, Esquire. Also appearing on behalf of the Petition were Jim Kline, Alice Winters, Larry Radville, Alan Muerch and Brett Anz. There were no Protestants.

Proffered testimony indicated that the Petitioner is desirous of placing a Chuckie's Cheese establishment on the subject property, commonly known as the Westview Mall Shopping Center, consisting of 41.983 acres +/- zoned B.M.-C.T.

Testimony indicated that Chuckie's Cheese Pizza Restaurants are nationwide chain which caters to families with children eleven years of age and younger. Minors (18 years or younger) are not permitted within the establishment absent a guardian.

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Testimony indicated that the entertainment will consist of a showroom (child oriented play) and an arcade area and kiddie area.

Testimony and evidence clearly indicated that the proposed rides are kiddie type coin operated rides which are designed for children with an average age of approximately 5-1/2 years. The primary entree within the restaurant will be pizza, but sandwiches and a salad bar will also be available.

Testimony clearly indicated that the subject use is compatible with the existing uses and meets the requirements of Section 502.1 of the B.C.Z.R.

Further, the requested variance relief relates to "kiddie type" coin operated rides designed for small children. They are not what are typically thought of as "arcade" type amusement devices commonly used by teenagers and adults.

It is clear that the B.C.Z.R. permits the use proposed in a B.R. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Sections 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irre-

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PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-426-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 233.2B to permit a maximum of 50 coin operated children's rides in lieu of the permitted maximum of 6 coin operated children's rides.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Strict compliance with the requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; the grant would do substantial justice to the applicant as well as other property owners in the district and no lesser relaxation than that applied for would give substantial relief; and that relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract-Purchaser: Tenant: ShowBiz Pizza Time, Inc. (Type or Print Name) By: [Signature] Address: 4941 N. Airport Freeway, Irving, Texas 75015 City and State: [Signature] Attorney for Petitioner: Stuart D. Kaplow (Type or Print Name) [Signature] Address: [Signature] City and State: [Signature] Name, address and phone number of legal owner, contract purchaser or representative to be contacted: Frank, Bernstein, Conaway & Goldman, 210 W. Pennsylvania Ave., #630, Towson, MD 21204 (301) 821-3103

Address: 4941 N. Airport Freeway, Irving, Texas 75015 City and State: [Signature] Name, address and phone number of legal owner, contract purchaser or representative to be contacted: Frank, Bernstein, Conaway & Goldman, 210 W. Pennsylvania Ave., #630, Towson, MD 21204 (301) 821-3103

ORDERED By The Zoning Commissioner of Baltimore County, this 28 day of May 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 28 day of June 1991, at 10:30 o'clock a.m.

J. Robert Haines
Zoning Commissioner of Baltimore County

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(over)

spective of its location within the zone. Schultz v. Pritts, 291 Md. 1 432 A2d 1319 (1981).

The proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

The Petitioner has also requested the aforementioned variance relief.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the require-

ments from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 17th day of July 1991 that, pursuant to a Petition for Special Exception, an arcade as provided in Section 423.b. of the Baltimore County Zoning Regulations (B.C.Z.R.) is hereby GRANTED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Zoning Variance, a variance from Section 233.2.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a maximum of 50 coin operated children's rides, in lieu of the permitted maximum of 6 coin operated children's rides, is hereby GRANTED, in accordance with Petitioner's Exhibit No. 1 subject, however, to the following restriction which are conditions precedent to the foregoing relief:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
Zoning Commissioner for Baltimore County

JRH:mmm
cc: Peoples Counsel

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3553

July 30, 1991

Stuart H. Kaplow, Esquire
Frank, Bernstein, Conaway and Goldman
Suite 630
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Petitions for Special Exception and Zoning Variance
Case No. 91-426-XA
Westview Mall Assoc./ShowBiz Pizza Time, Inc., Petitioner

Dear Mr. Kaplow:

Enclosed please find the Amended Order regarding the above captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Amended Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:mmm
cc: Peoples Counsel

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CONC. RAMP
LOADING

1719 Petition for Reclassification from an "A" Residence Zone to a "C" Residence Zone, Granted June 8, 1950
No Restrictions

1838 Petition for Reclassification from an "A" Residence Zone to a "C" Residence Zone, Dated October 25, 1955 but Reclassification from a "C" Residence Zone to a "B" Zone was granted.
No Restrictions

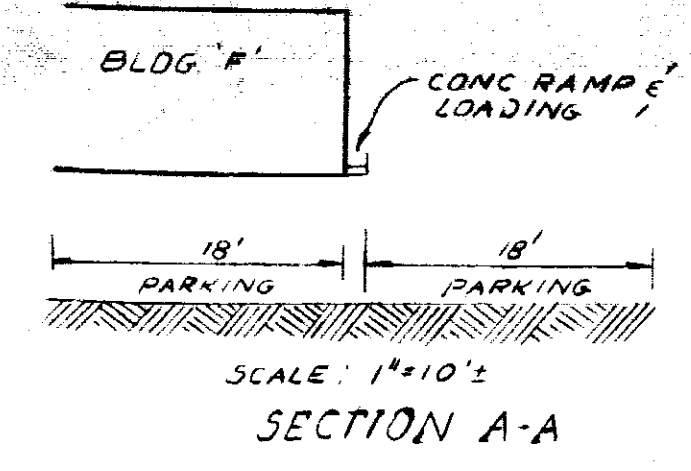
1858-X Petition for Special Exception for Dry Cleaning Plant, Granted July 29, 1958
No Restrictions

1893-V Petition to Permit a Sign to Extend Above the Road of the Building 22' Instead of the Required 15'.
Withdrawn December 15, 1958

18-12X Petition for Special Exception for Miniature Golf Course.
Withdrawn January 8, 1964

19-291 A Petition for a Variance from Section 409.1 to permit 1376 reserved parking spaces instead of the required 1676. Granted June 28, 1973.
Waived to approval of site plan by MD S.N.A., D.C.D.P.M. & D.C.P.Z.

PREVIOUSLY APPROVED HANDICAPPED SPACES FOR BUILDING F TAKEN FROM WESTERN HALL PLAN, APPROVED 8/2/84, CURRENT PLANNING SHOPPING CENTER FILE. 14 HANDICAPPED PARKING SPACES REQUIRED (SEE "NOTES" NO. 6).

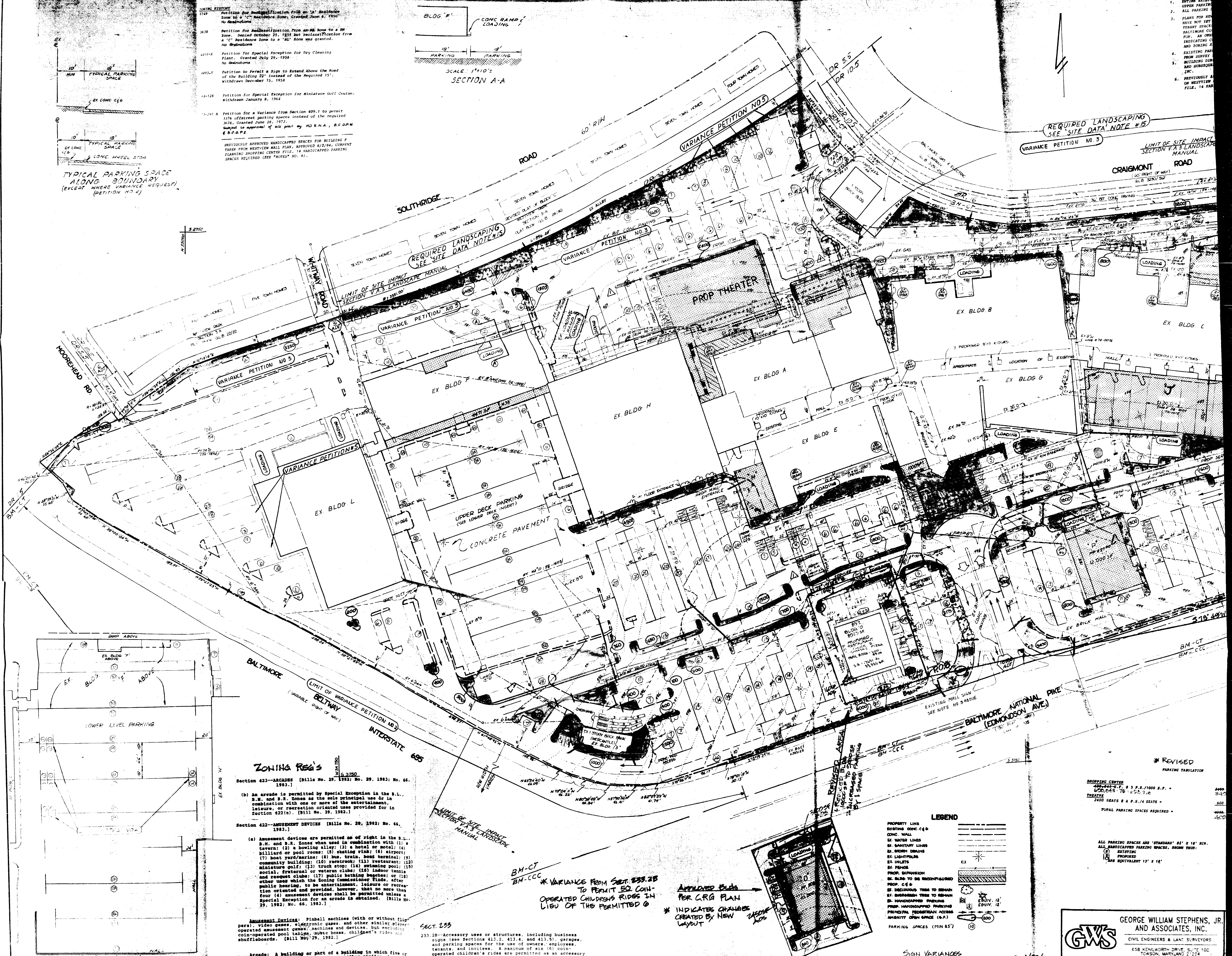


TYPICAL PARKING SPACE ALONG BOUNDARY (EXCEPT WHERE VARIANCE REQUEST) (PETITION NO. 2)

REQUIRED LANDSCAPING SEE "SITE DATA" NOTE #15

VARIANCE PETITION NO. 3

LIMIT OF SITE IMPACT SECTION V.A.3 LANDSCAPE MANUAL



ZONING REG'S

Section 423--ARCADES (Bills No. 29, 1982; No. 29, 1983; No. 66, 1983.)

(b) An arcade is permitted by Special Exception in the S.U., S.M. and S.R. Zones as the sole principal use or in combination with one or more of the entertainment, leisure, or recreation oriented uses provided for in Section 422(e). (Bills No. 29, 1982.)

Section 422--AMUSEMENT DEVICES (Bills No. 29, 1982; No. 66, 1983.)

(e) Amusement devices are permitted as of right in the S.U., S.M. and S.R. Zones when used in combination with (1) a tavern; (2) a bowling alley; (3) a hotel or motel; (4) a restaurant; (5) a skating rink; (6) a pool; (7) a boat yard/marina; (8) a bus, train, boat terminal; (9) a community building; (10) a racetrack; (11) a restaurant; (12) a miniature golf; (13) a truck stop; (14) a swimming pool; (15) a social, fraternal or veterans club; (16) a lounge, tennis and racquet clubs; (17) public bathing beaches; or (18) other uses which the Zoning Commission finds, after public hearing, to be entertainment, leisure or recreation oriented and provided, however, that no more than four (4) amusement devices shall be permitted unless a Special Exception for an arcade is obtained. (Bills No. 29, 1982; No. 66, 1983.)

Amusement Devices: Pinball machines (with or without flipper), video games, electronic games, and other similar player-operated amusement games, machines and devices, but excluding coin-operated pool tables, music boxes, children's rides and shuffleboards. (Bill Nov-29, 1982.)

Aracade: A building or part of a building in which five or more pinball machines, video games, or other similar player-operated amusement games, machines and devices, but excluding coin-operated pool tables, music boxes, children's rides and shuffleboards. (Bill Nov-29, 1982.)

SECT. 233

233.28--Accessory uses or structures, including business signs (see Section 413.2, 413.4, and 413.5), garages, and parking spaces for the use of owners, employees, tenants, and invitees. A maximum of six (6) coin-operated children's rides are permitted as an accessory use. (Bills No. 111, 1978; No. 29, 1982.)

* VARIANCE FROM SECT. 233.28 TO PERMIT 50 COIN-OPERATED CHILDREN'S RIDES IN LIEU OF THE PERMITTED 6

APPROVED BLDG PER CRG PLAN

* INDICATES CHANGES CREATED BY NEW LAYOUT

- LEGEND**
- PROPERTY LINE
 - EXISTING CONC. C&G
 - CONC. WALL
 - EX. WATER LINES
 - EX. SANITARY LINES
 - EX. HIGH DRAIN
 - EX. LIGHTPOLES
 - EX. INLETS
 - EX. FENCE
 - PROPOSED IMPROVEMENT
 - BLDG. TO BE RECONFIGURED
 - PROP. C&G
 - EX. STRUCTURE TO BE REMOVED
 - EX. STRUCTURE TO BE REMOVED
 - EX. HANDICAPPED PARKING
 - PROP. HANDICAPPED PARKING
 - PRINCIPAL PEDESTRIAN ACCESS
 - AMENITY OPEN SPACE (6.9')
 - PARKING SPACES (MIN 85')

SHOPPING CENTER
6200-6400 S.F. @ 5 P.S./1000 S.F. = 3400
6200-6400 S.F. @ 5 P.S./1000 S.F. = 3400
THEATRE
2400 SEATS @ 8 P.S./14 SEATS = 600
TOTAL PARKING SPACES REQUIRED = 4000

ALL PARKING SPACES ARE "STANDARD" 8' X 18' MIN.
ALL HANDICAPPED PARKING SPACES, SHOW THIS:
8' X 12' MIN. (P) PROPOSED
18' X 12' MIN. (R) REVISED

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
TELEPHONE 955-5500



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 9, 1997

Ms. Barbara W. Ormord
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21285-5517


RE: Zoning Verification
5780 Baltimore National Pike
Westview Mall
1st Election District

Dear Ms. Ormord:

Your letter to Arnold Jablon, Director of Permits and Development Management, has been referred to me for reply. The zoning of this site is Business, major - Town-center, as shown on the 1 inch = 200 feet scale zoning map #SW-1F, which you submitted. Per the approved submitted CRG plan, recent approved site plans in zoning case #91-426-XA, #91-336-A, #90-435-A, etc. and the latest approved site plan which accompanied building permit #C-1943-91, this site enjoys legal conforming use. In the event a structure is damaged to any extent or destroyed by fire or other casualty the building(s) may be rebuilt to its current square footage.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,


John J. Sullivan, Jr.
Planner II
Zoning Review

JJS:rye

c: zoning cases 91-426-XA, 91-336-A & 90-435-A

Enclosure

ZONING HISTORY

1974: Petition for Reclassification from an "A" Residence Zone to a "C" Residence Zone, granted June 4, 1982. No restrictions.

1978: Petition for Reclassification from an "A" Zone to a "B" Zone, denied October 25, 1985 but reclassification from a "C" Residence Zone to a "B" Zone was granted. No restrictions.

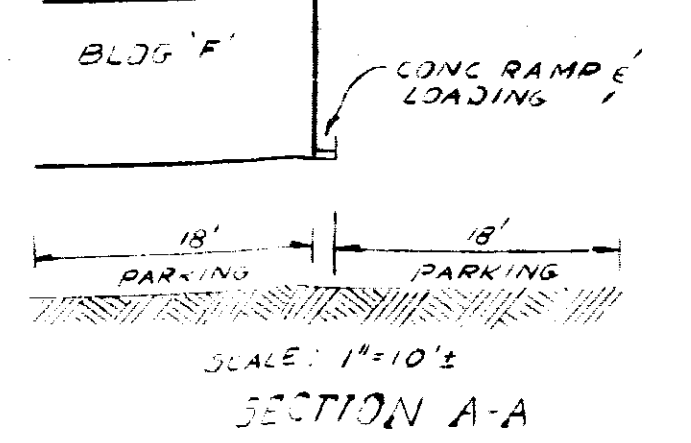
1985-8: Petition for Special Exception for Dry Cleaning Plant, granted July 29, 1988. No restrictions.

1989-1: Petition to Permit a Sign to Extend Above the Roof of the Building 22' Instead of the Required 15', withdrawn December 15, 1989.

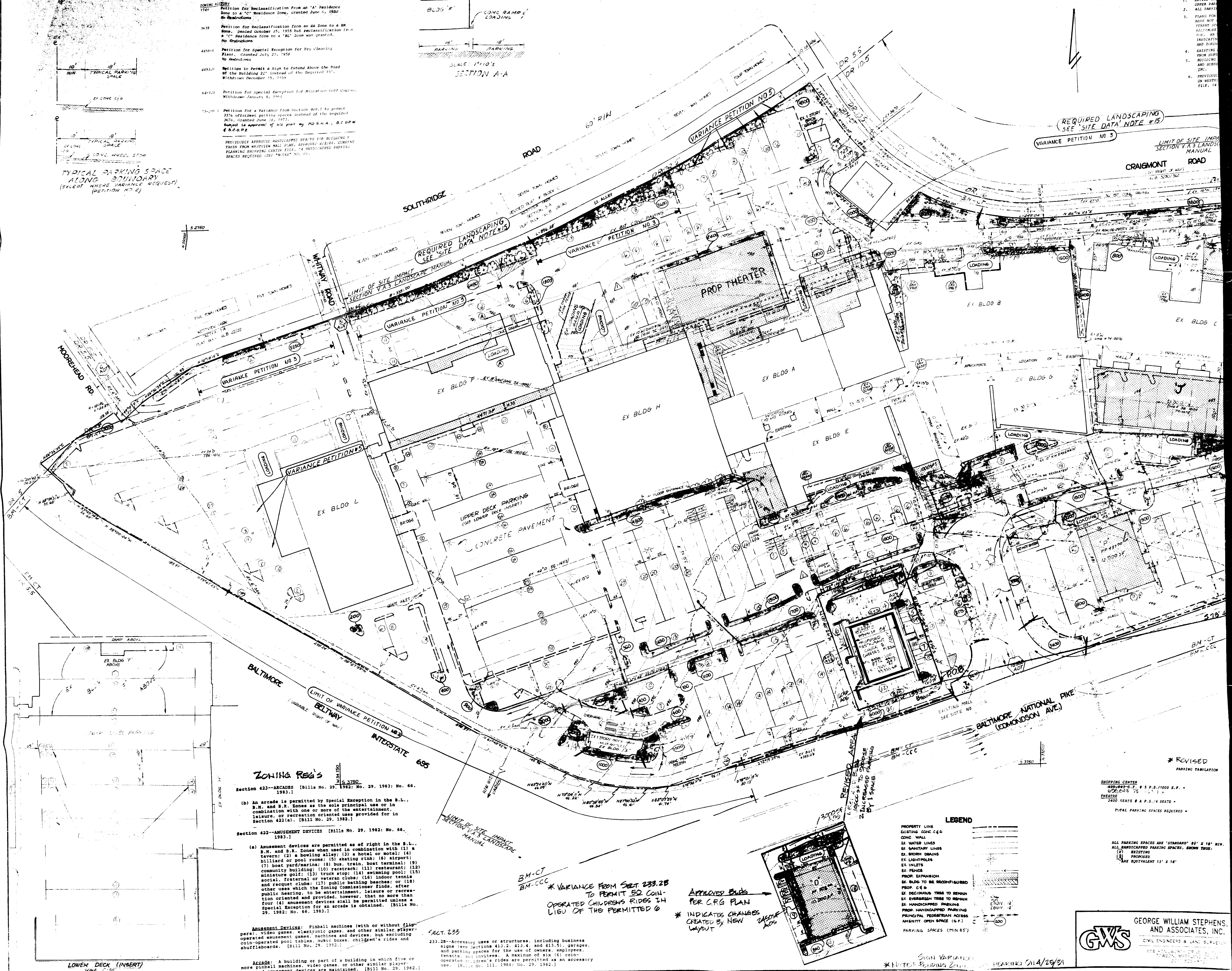
1991-12: Petition for Special Exception for Miniature Golf Course, withdrawn January 8, 1991.

1992-1: Petition for a Variance from Section 409.1 to permit 3376 offstreet parking spaces instead of the required 3676, granted June 26, 1993. Repealed in approval of site plan by N.O.S.H.A., D.C.D.P.W. & S.O.P.R.

PREVIOUSLY APPROVED HANDICAPPED SPACES FOR BUILDING TAKEN FROM WESTERN MALL PLAN, APPROVED 3/2/84, CURRENT PLANNING SHOPPING CENTER FILE, 14 HANDICAPPED PARKING SPACES REQUIRED (SEE "MINIMUM" NO. 17).



TYPICAL PARKING SPACE ALONG BOUNDARY (EXCEPT WHERE VARIANCE REQUEST) (PETITION NO. 2)



ZONING REG'S

Section 422-ARCADES [Bills No. 29, 1982; No. 29, 1983; No. 66, 1983.]

(b) An arcade is permitted by Special Exception in the B.L., B.M. and B.R. Zones as the sole principal use or in combination with one or more of the entertainment, leisure, or recreation oriented uses provided for in Section 422(a). [Bill No. 29, 1982.]

Section 422-AMUSEMENT DEVICES [Bills No. 29, 1982; No. 66, 1983.]

(a) Amusement devices are permitted as of right in the B.L., B.M. and B.R. Zones when used in combination with (1) a tavern; (2) a bowling alley; (3) a hotel or motel; (4) a billiard or pool room; (5) a skating rink; (6) an airport; (7) a boat yard/marina; (8) a bus, train, boat terminal; (9) a community building; (10) racetrack; (11) restaurant; (12) miniature golf; (13) truck stop; (14) swimming pool; (15) social, fraternal or veteran clubs; (16) indoor tennis and racquet clubs; (17) public bathing beaches; or (18) other uses which the Zoning Commission finds, after public hearing, to be entertainment, leisure or recreation oriented and provided, however, that no more than four (4) amusement devices shall be permitted unless a Special Exception for an arcade is obtained. [Bills No. 29, 1982; No. 66, 1983.]

Amusement Devices: Pinball machines (with or without flippers), video games, electronic games, and other similar player-operated amusement games, machines and devices, but excluding coin-operated pool tables, music boxes, children's rides and shuffleboards. [Bill No. 29, 1982.]

Arcade: A building or part of a building in which five or more pinball machines, video games, or other similar player-operated amusement devices are maintained. [Bill No. 29, 1982.]

* VARIANCE FROM SECT. 233.25 TO PERMIT 50 COIN-OPERATED RIDES IN LIEU OF THE PERMITTED 6

APPROVED BLDG PER CRG PLAN * INDICATES CHANGES CREATED BY NEW LAYOUT

LEGEND

PROPERTY LINE	EXISTING CONC. C&G
EXISTING WALL	EXISTING WATER LINES
EXISTING SANITARY LINES	EXISTING SMOKE CHIMNEYS
EXISTING LIGHTPOLES	EXISTING INLETS
EXISTING FENCES	PROPOSED EXPANSION
EXISTING SIGNAGE	EXISTING TREES TO REMAIN
EXISTING OVERGROWTH TREES TO REMAIN	EXISTING HANDICAPPED PARKING
PROPOSED HANDICAPPED PARKING	PROPOSED PEDESTRIAN ACCESS
PROPOSED PEDESTRIAN ACCESS	AMENITY OPEN SPACE (S.P.)
PARKING SPACES (MIN 85')	

GEORGE WILLIAM STEPHENS AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
418 N. W. 11th St., Miami, FL 33136
(305) 521-1111

* REVISED PARKING TABULATION

SHOPPING CENTER
2,000 SEATS @ 3 P.S./1,000 S.F. = 6,000 P.S. TOTAL
THEATRE
2,000 SEATS @ 3 P.S./1,000 S.F. = 6,000 P.S. TOTAL
TOTAL PARKING SPACES REQUIRED = 12,000

ALL PARKING SPACES ARE "STANDARD" 8'1" x 18' MIN. ALL HANDICAPPED PARKING SPACES, SHOWN THUS: (H) EXISTING (P) PROPOSED (E) EQUIVALENT 13' x 18'

HEARING 01/14/2001



APPROVED

PRESIDENT

V.P. CONSTRUCTION

FOR PERM. & B.D.

FOR CONSTRUCTION

REVISED

#1 _____

#2 _____

CHUCK E. CHEESE'S PIZZA #403 - BALTIMORE
DIAMOND POINT PLAZA - BALTIMORE, MARYLAND
SHOWBIZ PIZZA TIME INC.
4441 WEST AIRPORT FREEWAY
IRVING, TEXAS 75062

KITCHEN, GAMES AND SEATING LAYOUT

Date
07 NOV 1990

Revisions

Project Number
90-230

Sheet Number
A9

of 10

FIXTURE AND EQUIPMENT SCHEDULE

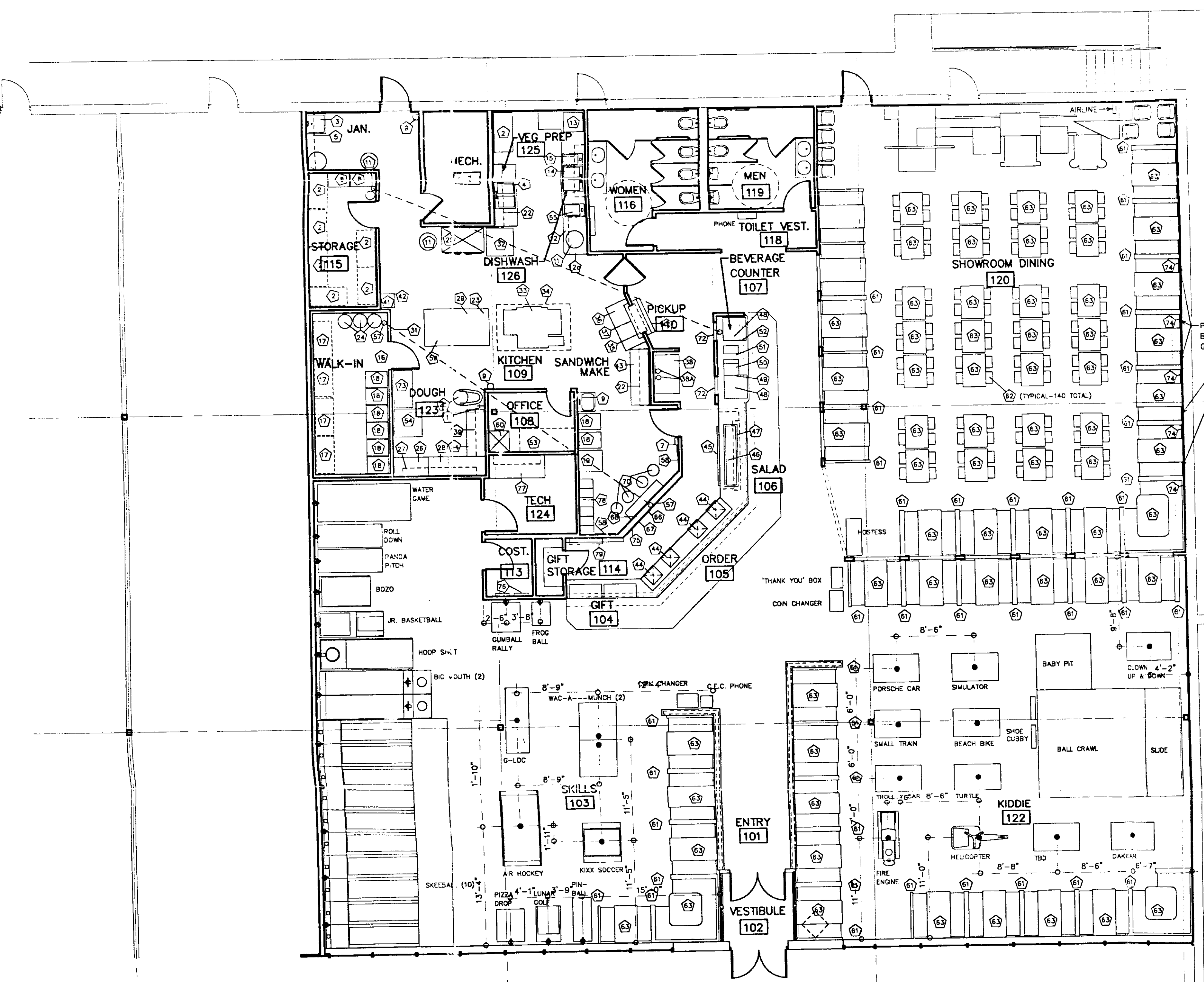
ALL EQUIPMENT FURNISHED BY OWNER UNLESS NOTED OTHERWISE

MARK	DESCRIPTION	QTY.	MANUFACTURER / MODEL NUMBER	REMARKS	FURNISHED BY	INSTALLED BY	HOOK-UP BY	START-UP BY
1	WATER FAUCET	1	INTERMEDIATE NET SERIES ON CASTERS 24" X 48"	HOSE REEL	C	C	C	C
2	DRY STORAGE SHELVING	3	FLAT IRON 34" X 24"	CUS W FABRICATED	C	C	C	C
3	WOP SINK	1	WASSERSTROM 84"	CUS W FABRICATED	C	C	C	C
4	VEGETABLE PREP SINK	1	55 1/2" X 48" W/SS WALL BRACKETS	CUS W FABRICATED	C	C	C	C
5	CLEANING SUPPLY SHELF	1	AUTOCOR 2-1/2 W/ FAUCETS	CUS W FABRICATED	C	C	C	C
6	HAND SINK	1	CENEXAT 10000	CUS W FABRICATED	C	C	C	C
7	TWC CLOD	1	100 ABC RATED BY J. INDUSTRIES	CUS W FABRICATED	C	C	C	C
8	BAC-N-BED RACK	1	AMPASSADOR SERIES #017-SD, J. INDUSTRIES	CUS W FABRICATED	C	C	C	C
9	FIRE EXTINGUISHER	4	WASSERSTROM 72"	CUS W FABRICATED	C	C	C	C
10	NECESSARY FIRE EXTINGUISHER CABINET	3	ADJAK 1-KAL-1500 8" X 12 1/4"	CUS W FABRICATED	C	C	C	C
11	TRASH CAN	3	INTERMEDIATE W/ SINKS ON CASTERS	CUS W FABRICATED	C	C	C	C
12	SOLEID DISH TABLE	1	WASSERSTROM 72"	CUS W FABRICATED	C	C	C	C
13	DISHWASHER	1	ADJAK 1-KAL-1500 8" X 12 1/4"	CUS W FABRICATED	C	C	C	C
14	CLEAN DISH TABLE W/ 3 COMP. SINK	1	ADJAK 1-KAL-1500 8" X 12 1/4"	CUS W FABRICATED	C	C	C	C
15	FAUCET	1	ADJAK 1-KAL-1500 8" X 12 1/4"	CUS W FABRICATED	C	C	C	C
16	WALL SHELF W/ UTENSIL RACK	1	ADJAK 1-KAL-1500 8" X 12 1/4"	CUS W FABRICATED	C	C	C	C
17	WALK-IN COOLER	1	ADJAK 1-KAL-1500 8" X 12 1/4"	CUS W FABRICATED	C	C	C	C
18	COOLER SHELVING	4	ADJAK 1-KAL-1500 8" X 12 1/4"	CUS W FABRICATED	C	C	C	C
19	BUN RACKS	8	ADJAK 1-KAL-1500 8" X 12 1/4"	CUS W FABRICATED	C	C	C	C
20	COTTON CANDY MACHINE	1	ADJAK 1-KAL-1500 8" X 12 1/4"	CUS W FABRICATED	C	C	C	C
21	SANDWICH TABLE OPEN SHELF	1	ADJAK 1-KAL-1500 8" X 12 1/4"	CUS W FABRICATED	C	C	C	C
22	REFRIG. PIZZA TABLE	1	ADJAK 1-KAL-1500 8" X 12 1/4"	CUS W FABRICATED	C	C	C	C
23	REFRIG. PIZZA TABLE	1	ADJAK 1-KAL-1500 8" X 12 1/4"	CUS W FABRICATED	C	C	C	C
24	WATER	1	ADJAK 1-KAL-1500 8" X 12 1/4"	CUS W FABRICATED	C	C	C	C
25	WATER	1	ADJAK 1-KAL-1500 8" X 12 1/4"	CUS W FABRICATED	C	C	C	C
26	PANINIS TABLE (DOUGH)	1	ADJAK 1-KAL-1500 8" X 12 1/4"	CUS W FABRICATED	C	C	C	C
27	PANINIS TABLE (DOUGH)	1	ADJAK 1-KAL-1500 8" X 12 1/4"	CUS W FABRICATED	C	C	C	C
28	COOLER SHELVING	1	ADJAK 1-KAL-1500 8" X 12 1/4"	CUS W FABRICATED	C	C	C	C
29	COOLER SHELVING	1	ADJAK 1-KAL-1500 8" X 12 1/4"	CUS W FABRICATED	C	C	C	C
30	COOLER SHELVING	1	ADJAK 1-KAL-1500 8" X 12 1/4"	CUS W FABRICATED	C	C	C	C
31	COOLER SHELVING	1	ADJAK 1-KAL-1500 8" X 12 1/4"	CUS W FABRICATED	C	C	C	C
32	COOLER SHELVING	1	ADJAK 1-KAL-1500 8" X 12 1/4"	CUS W FABRICATED	C	C	C	C
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89	COOLER SHELVING	1	ADJAK 1-KAL-1500 8" X 12 1/4"	CUS W FABRICATED	C	C	C	C
90	COOLER SHELVING	1	ADJAK 1-KAL-1500 8" X 12 1/4"	CUS W FABRICATED	C	C	C	C

- GENERAL CONTRACTOR RESPONSIBLE FOR RECEIVING, UNLOADING, AND INSPECTION AT TIME OF DELIVERY. REPORT ANY DAMAGE TO OWNER UPON TIME OF DELIVERY.
- GENERAL CONTRACTOR WILL FURNISH AND INSTALL ALL WIRE FOR POINT OF SALE EQUIPMENT. OWNER WILL DO FINAL HOOK-UP OF POINT OF SALE EQUIPMENT.
- GENERAL CONTRACTOR RESPONSIBLE FOR COORDINATION OF SECURITY SYSTEM. CONTRACT STROBE ALARM CO. (813-341-8000)
- OWNERS REPRESENTATIVE IS RESPONSIBLE FOR INSTALLATION OF WALK-IN COOLER BOX. GENERAL CONTRACTOR SHALL PROVIDE AND INSTALL CURB FOR ROOF MOUNTED CONDENSER UNIT. OWNERS REPRESENTATIVE IS RESPONSIBLE FOR INSTALLATION OF REFRIGERATION LINES AND EQUIPMENT. GENERAL CONTRACTOR SHALL PROVIDE AND INSTALL ALL NECESSARY ELECTRICAL SERVICE TO WALK-IN COOLER, AND RELATED REFRIGERATION EQUIPMENT.
- GENERAL CONTRACTOR TO COORDINATE WITH OWNERS TECHNICAL ADVISER ON COMPRESSED AIR REQUIREMENTS AND LOCATIONS.

SEATING	ATTRICTIONS
KIDIE AREA:	90
SKILLS AREA:	24
SHOWROOM AREA:	188
TOTAL SEATS:	302
TOTAL AREA:	

PETITIONER'S EXHIBIT 2



01 KITCHEN, GAMES, AND SEATING LAYOUT
SCALE 1/8" = 1'-0"

91-426XA

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-426-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for an arcade as provided in Section 423.6 of the

BCZR

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract-Purchaser- Tenant:

ShowBiz Pizza Time, Inc.

(Type or Print Name)

By: [Signature]

Signature

4441 W. Airport Freeway

Address

Irving, Texas 75015

City and State

Attorney for Petitioner:

Stuart D. Kaplow

(Type or Print Name)

Signature

Frank, Bernstein, Conaway & Goldman

210 W. Pennsylvania Ave., #630

Address

Towson, MD 21204

City and State

Attorney's Telephone No.: (301) 821-3102

Legal Owner(s):

WESTVIEW MALL ASSOCIATES

(Type or Print Name)

By: BALCOR DEVELOPMENT COMPANY OF

MARYLAND, INC.

Signature

By: Michael Canter,

Signature

Vice-President

c/o Balcor Development Company

5780 Baltimore National Pike

Address

Baltimore, MD 21228

City and State

Name, address and phone number of legal owner, con-

tract purchaser or representative to be contacted

Stuart D. Kaplow

Signature

Frank, Bernstein, Conaway & Goldman

210 W. Pennsylvania Avenue., #630

Address

Towson, MD 21204

City and State

Attorney's Telephone No.: (301) 821-3102

Address

ORDERED By The Zoning Commissioner of Baltimore County, this 8 day of May, 1991, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 28 day of June, 1991, at 10:30 o'clock

A.M.
J. Robert Haines
Zoning Commissioner of Baltimore County

E.C.O.-No. 1

(over)

FROM THE ORDER OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
101 BALDWIN DRIVE, TOWSON, MARYLAND 21204

Description to Accompany a
Petition for a Special Exception
And a Variance.

April 15, 1991

RE: "Show Biz Pizza"
Westview Mall

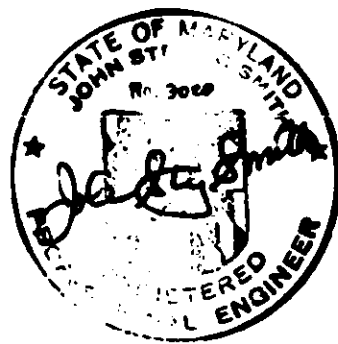
Beginning at a point located South 78° 49' West and 956 feet from the point of intersection of the centerlines of Baltimore National Pike and Ingleside Avenue thence in a clockwise direction:

- 1) South 72° 19' 34" West 155 feet
- 2) North 18° 40' 26" West 215 feet
- 3) North 72° 19' 34" East 155 feet and
- 4) South 18° 40' 26" East 215 feet to the point of beginning.

(Containing 33,321 S.F. or 0.765 Ac. of land more or less.)

NOTE: THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED FOR CONVEYANCES OR AGREEMENTS.

91-426-XA



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: _____ Date of Posting: _____
Posted for: _____
Petitioner: _____
Location of property: _____
Location of Sign: _____
Remarks: _____
Posted by: _____ Date of return: _____
Number of Signs: _____

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 31, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 30, 1991.

THE JEFFERSONIAN,

S. Zeke Olson
Publisher

\$ 6.71

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-426-XA
N/S Baltimore National Pike, 956' W of Ingleside Avenue
5780 Baltimore National Pike
1st Election District
1st Councilmanic
Legal Owner(s):
Westview Mall Associates
Petitioner(s)/Tenant:
ShowBiz Pizza Time, Inc.
Hearing Date: Friday
June 28, 1991
at 10:30 p.m.

Special Exception: An arcade. Variance: To permit a maximum of 50 coin operated children's rides in lieu of the maximum of 6 coin operated children's rides.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
CJ5537 May 30

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 30, 1991.

CATONSVILLE TIMES

S. Zeke Olson
Publisher

\$ 6.71

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

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N/S Baltimore National Pike, 956' W of Ingleside Avenue
5780 Baltimore National Pike
1st Election District
1st Councilmanic
Legal Owner(s):
Westview Mall Associates
Petitioner(s)/Tenant:
ShowBiz Pizza Time, Inc.
Hearing Date: Friday
June 28, 1991
at 10:30 p.m.

Special Exception: An arcade. Variance: To permit a maximum of 50 coin operated children's rides in lieu of the maximum of 6 coin operated children's rides.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
CJ5537 May 30

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

RECEIVED
BALTIMORE
FEE
PUBLIC HEARING FEE
CITY
PRICE
ONE VARIANCE HEARING FEE
1 X \$175.00
ONE SPECIAL EXCEPTION
1 X \$175.00
TOTAL: \$350.00
LAST NAME OF OWNER: WESTVIEW MALL ASS

Please Make Checks Payable To: Baltimore County
04A0480041MICHR
0003:27PH04-23-91

\$350.00

Cashier Validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

91-426

Date

Please Make Checks Payable To: Baltimore County
04A0480041MICHR
0003:27PH04-23-91

Cashier Validation

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 6/11/91

ShowBiz Pizza Time, Inc.
4441 W. Airport Freeway
Irving, Texas 75015

RE:

Case Number: 91-426-XA
N/S Baltimore National Pike, 956' W of Ingleside Avenue
5780 Baltimore National Pike
1st Election District - 1st Councilmanic
Legal Owner(s): Westview Mall Associates
Petitioner(s)/Tenant: ShowBiz Pizza Time, Inc.
HEARING: FRIDAY, JUNE 28, 1991 at 10:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 44.71 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE SIGNING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Stuart D. Kaplow, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 17, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-426-XA
N/S Baltimore National Pike, 956' W of Ingleside Avenue
5780 Baltimore National Pike
1st Election District - 1st Councilmanic
Legal Owner(s): Westview Mall Associates
Petitioner(s)/Tenant: ShowBiz Pizza Time, Inc.
HEARING: FRIDAY, JUNE 28, 1991 at 10:30 a.m.

Special Exception: An arcade.

Variance to permit a maximum of 50 coin operated children's rides in lieu of the maximum of 6 coin operated children's rides.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Westview Mall Associates
ShowBiz Pizza Time, Inc.
Stuart D. Kaplow, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 16, 1991

Stuart H. Kaplow, Esquire
Frank, Bernstein, Conaway and Goldman
Suite 630
Towson, Maryland 21204

RE: Petitions for Special Exception and Zoning Variance
Case No. 91-426-XA
ShowBiz Pizza Time, Inc., Tenant/Westview Mall Associates, Legal Owner
Petitioner

Dear Mr. Kaplow:

Enclosed please find the decision rendered on the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm
att.
cc: Peoples Counsel

111 West Chesapeake Avenue
Towson, MD 21204

June 3, 1991

887-3353

Stuart D. Kaplow, Esquire
Frank, Bernstein, Conway & Goldman
210 W. Pennsylvania Avenue, Suite 630
Towson, MD 21204

RE: Item No. 408, Case No. 91-426-XA
Petitioner: Westview Mall Associates
Petition for Special Exception and
Zoning Variance

Dear Mr. Kaplow:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Michael Canter
Westview Mall Associates
5780 Baltimore National Pike
Baltimore, MD 21228

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
8th day of May, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Westview Mall Associates, et al

Petitioner's Attorney: Stuart D. Kaplow



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

May 6, 1991

Mr. J. Robert Haines
Zoning Commissioner
Baltimore County
County Office Building
Towson, Maryland

Re: Baltimore County
Westview Mall
Showbiz Pizza
Zoning Meeting of 5-7-91
N/S Baltimore National
Pike (Route 40-W) 956'
West of Ingleside Avenue
Item 408

Attn: Mr. James Dyer

Dear Mr. Haines:

Thank you for your transmittal for a special exception for an arcade, which we received on May 2nd, regarding property located on Route 40-W in Baltimore County.

We are presently circulating this information to the various offices within the State Highway Administration for their review and comment. We will advise you of our findings and recommendations within the next few weeks.

In the interim, if you have any questions, or need additional information, please contact Larry Brocato at (301) 333-1350.

Very truly yours,

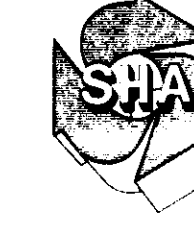
John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

LB:maw

cc: G.W. Stephens Jr. & Assoc., Inc.
Mr. J. Ogle

My telephone number is 301-333-1350 (Fax #333-1041)

Typewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

May 13, 1991

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Baltimore County
Zoning Meeting of 5-7-91
Westview Mall
N/S Baltimore National
Pike (Route 40-W)
956' West of
Ingleside Avenue
(Item #408)

Attn: Mr. James Dyer

Dear Mr. Haines:

This is a follow to our letter of May 6th concerning a special exception for an arcade at the Westview Mall.

This plan has been reviewed by our Project Planning Division and it has been determined there will be no impact to this property from our future beltway improvements.

All other aspects of this plan are acceptable.

If we can be of further assistance, please contact Larry Brocato of this office at 333-1350.

Very truly yours,

John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

LB:maw

cc: G.W. Stephens Jr. & Assoc., Inc.
Mr. J. Ogle

My telephone number is 301-333-1350 (Fax #333-1041)

Typewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: May 10, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Frank A. Cirincione, Item No. 385
Stanley Z. Steinberg, Item No. 392
John D. Perenchik, Item No. 396
Andrew F. David, Item No. 399
Richard J. Romano, Item No. 400
White Marsh Joint Venture, Item No. 401
Francis T. Leyden, Item No. 402
Charles A. Romano, Item No. 404
Dale J. Lohman, Item No. 405
T & G Partnership, Item No. 407
Westview Mall Association, Item No. 408 ✓
George Bromwell, Item No. 409
Hawley Rodgers, Item No. 412
Joseph Ruzza, Item No. 416
Ronald L. Morman, Item No. 418
Victor Khouzami, Item No. 422

In reference to the Petitioners' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

VARIEDIT.EMS/ZAC1

5/22/91

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: May 29, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: May 7, 1991

This office has no comments for items number 405, 406, 407, 408, 409, 410, 411 and 412.

Rahee J. Famill
Rahee J. Famill
Traffic Engineer II

RJF/lvd

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

MAY 3, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: WESTVIEW MALL ASSOCIATES

Location: #5780 BALTIMORE NATIONAL PIKE

Item No.: 408 Zoning Agenda: MAY 7, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *CH. J. [Signature]* 5/3/91 Noted and Approved
Planning Group Fire Prevention Bureau

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 6, 1991

FROM: Dennis A. Kennedy, P.E.

RE: Zoning Advisory Committee Meeting
for May 7, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 405, 406, 407, 408, 409, 410, 411, and 412.

For Item 323 (Case #91-341-SFH), the previous County Review Group Meeting comments are still applicable.

For Item 397(revised), a revised County Review Group Meeting is required.

Dennis A. Kennedy
Dennis A. Kennedy, P.E., Acting Chief,
Developers Engineering Division

DATE:

received
5/17/91

WESTVIEW MALL
W-89-173
Page 2

Revised red-line plan for ???
No cover sheet or attachments received
Received from Public Services week of 7/8/91
Plan Date: 1/30/90
Comments For: ???
Comments Date: 7/15/91
Comments Completed: 7/16/91

Clarify what type of approval is requested on the plan. This site has been the subject of three zoning hearings since last reviewed. Up-date the plan to be identical to the last approved zoning public hearing plans and incorporate all zoning information as to history and plan print detail.

Provide a zoning history by case number on the plan including the date of the Orders, what was requested, granted or denied and listing and indicating compliance with any restrictions including, but not necessarily limited to, case numbers 90-435-SPHA, 91-336-A and 91-426-XA. The owner must submit a red-lined public hearing plan to the Zoning Commissioner to request a determination of whether or not a public hearing would be required to amend the approved hearing plan to allow for the proposed changes. Verify this response on the plan.

Note the required landscaping for the qualifying A.O.S. between 7-10 feet. (See Definitions, Section 101 for Amended Open Space.)

WESTVIEW MALL
W-89-173
Page 2

Show a minimum typical parking space on the plan and clearly show adequate parking bay length to fit the number of spaces shown on the plan. (For example, 60 red-lined spaces are shown where 54 were approved on a 455 foot bay; 455 - 8.5 = 53.529 spaces, each 8-1/2 feet wide. If spaces smaller than 8.5 feet are proposed for retail use, an additional variance is required.

Final zoning approval is contingent first, upon all plan comments being addressed on the C.R.G. plan; and secondly, upon the final resolution of all comments, the outcome of any requested zoning hearings and finally, the inclusion of the blue commercial checklist information being included on the building permit site plans.

Any requests for further information from the Zoning Office must include a reference to the waiver file #W-89-173 and written correspondence or revised plans must be accompanied by a copy of these comments.


JOHN L. LEWIS
PLANNER II

JLL:scj

cc: Current Planning
Zoning Files - #90-435-SPHA, #91-336-A, #91-426-XA
Waiver File

WESTVIEW MALL
W-89-173

Revised Plan Date: 8/1/91
Comments Date: 8/27/91
Comments Completed: 8/28/91

Up-date the plan to be identical to the last approved zoning public hearing plans and incorporate all zoning information as to history and plan print detail.

Provide a zoning history including the date of the Orders and listing and indicating compliance with any restrictions. The owner must submit a red-lined public hearing plan to the Zoning Commissioner to request a determination of whether or not a public hearing would be required to amend the approved hearing plan to allow for the proposed changes. Verify this response on the plan.

Compliance with the above comments is required in light of the following:

1. An amended Order in Zoning Case #91-426-XA, which is not indicated on the plan. (Also correct "YA" to "XA" in Zoning notes.)
2. Show label and dimension the special exception area around Building "Q" and submit the required red-lined plan to the Zoning Commissioner with all plan changes shown, particularly in light of the changes to Petitioner's Exhibit "A" referenced in the Amended Order listed above.
3. Include the sign details from the approved plan in Zoning Case #91-336-A and list and show compliance with all restrictions in Zoning Case #90-435-SPHA.

Final zoning approval is contingent first, upon all plan comments being addressed on the C.R.G. plan; and secondly, upon the final resolution of all comments, the outcome of any requested zoning hearings and finally, the inclusion of the blue commercial checklist information being included on the building permit site plans.

Any requests for further information from the Zoning Office must include a reference to the waiver file #W-89-173 and written correspondence or revised plans must be accompanied by a copy of these comments.


JOHN L. LEWIS
PLANNER II

JLL:scj

cc: Current Planning
Zoning Files - #91-426-XA, #91-336-A, #90-435-SPHA
Waiver File

presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the requested variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of June, 1990, that the Petition for Zoning Variances and Special Hearing to amend the Zoning Order in Case No. 73-291-A to permit 3163 parking spaces in lieu of the required 4099 spaces and the variances to permit a minimum 2 foot distance to the right of way line of a public street in lieu of the required 10 feet and to permit direct access to existing parking spaces from existing driveway and to permit dead-end aisle without turnarounds along the western property line and adjacent to Building L and to permit drive through to aisle to cross the principal pedestrian access for Bank Building D all as more particularly described on Petitioner's Exhibit 1 be and are hereby GRANTED, from and after the date of this Order, subject to the following:

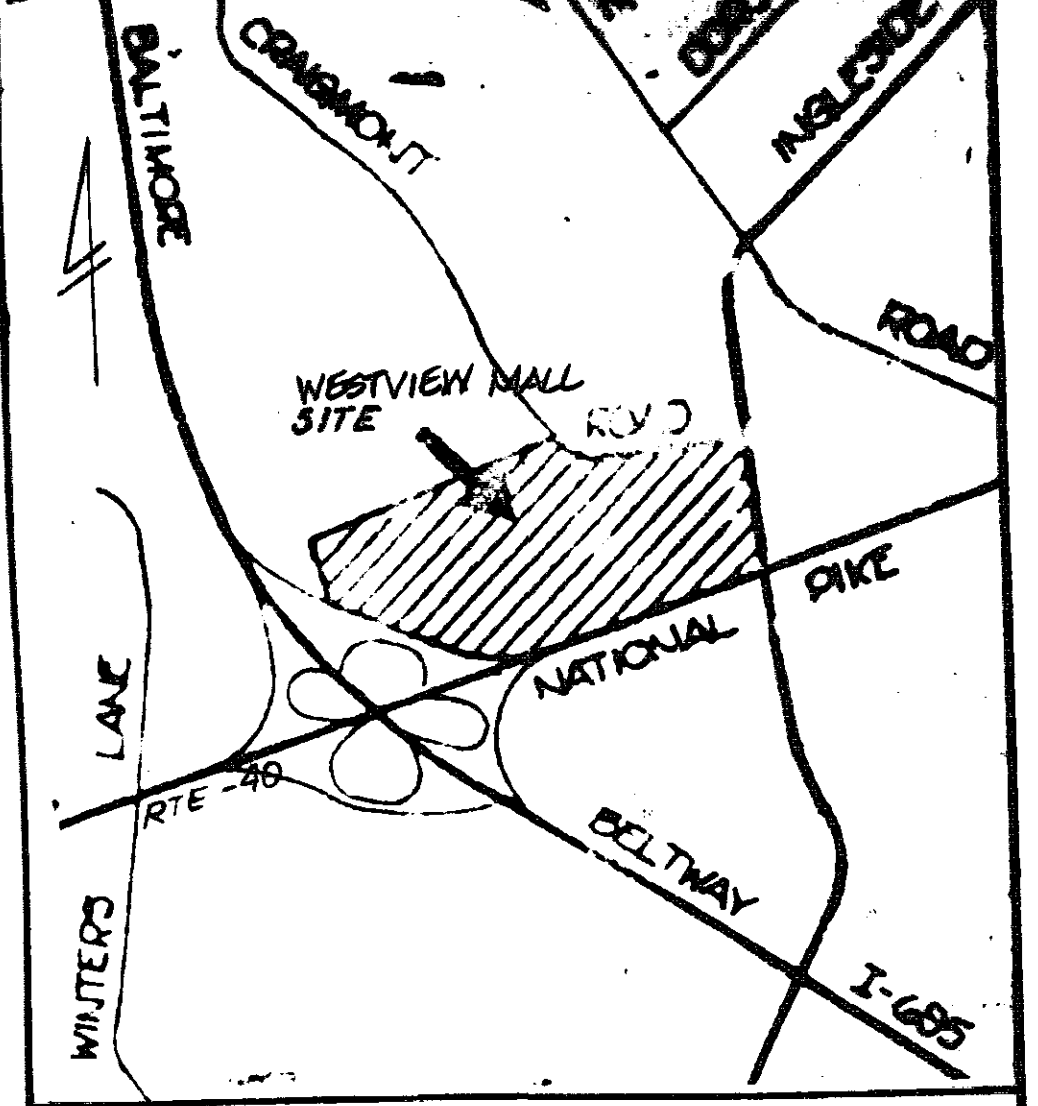
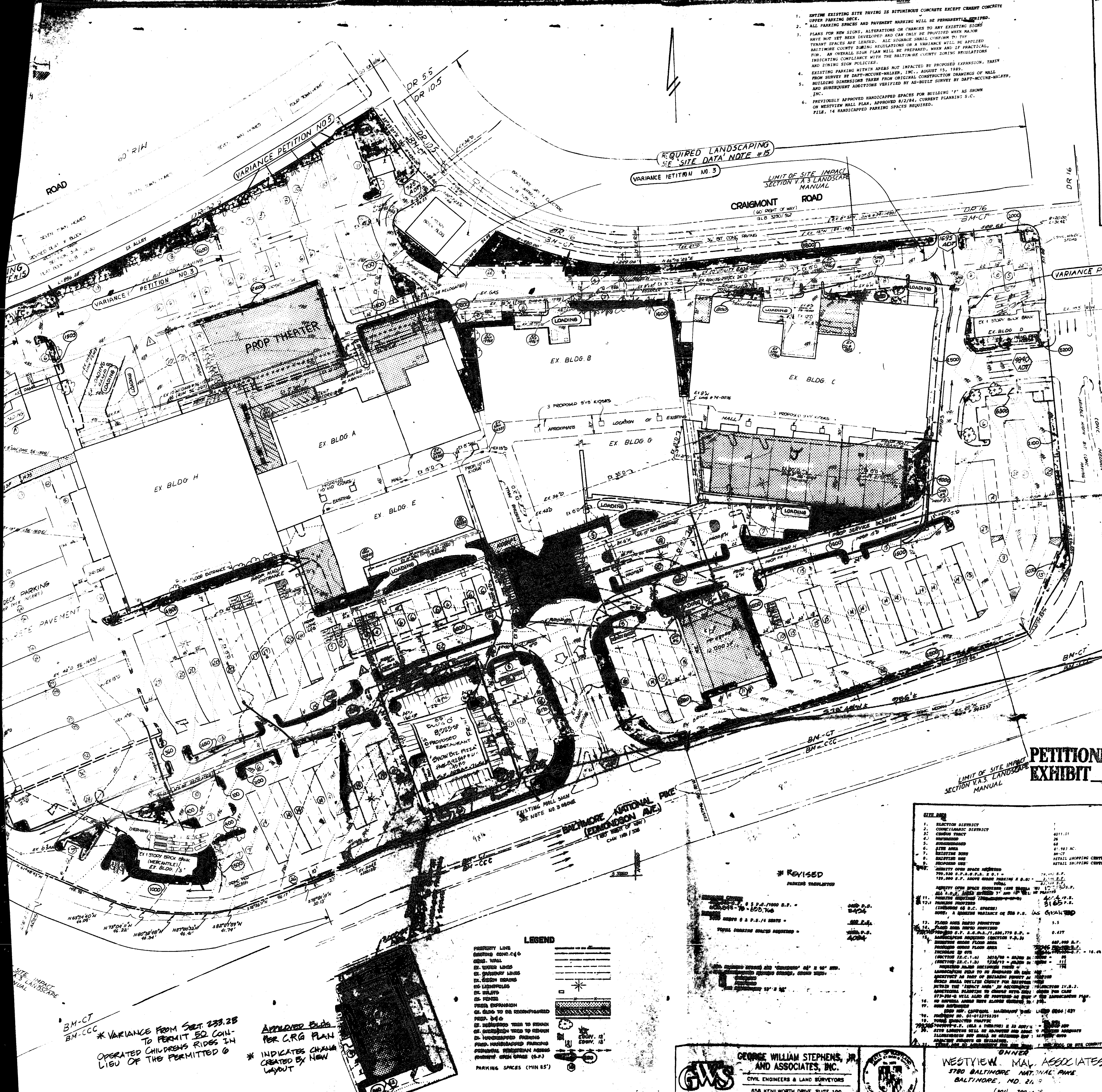
- 1) The Petitioner may apply for their building permit and be granted same upon receipt of this Order; however,

Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

- 2) Petitioner shall comply with all requirements of the C.R.G. and Zoning Plans Advisory Committee as set forth in their comments submitted hereto.
- 3) Petitioner shall landscape the property at a minimum as set forth in Petitioner's Exhibit 1. Further, Petitioner shall provide additional landscaping, as may be deemed appropriate by the Landscape Planner in the Office of Current Planning, to buffer the property along the northern boundary.
- 4) Petitioner shall provide lighting fixtures for the parking lot and shall take whatever steps necessary to reduce the lighting on adjoining residential properties and specifically any new lighting fixtures along the northern boundary shall not exceed the height of 16 feet. All other lighting fixtures may be a height equal to but not greater than the height of the lighting fixtures presently installed on the property.
- 5) Prior to the issuance of any building permit for Building "P" as shown on Petitioner's Exhibit 1, the Petitioner shall submit a plan to the Zoning Commissioner for approval relocating Building P within the parking area adjacent to Building P and Baltimore National Pike. Any building relocation may be considered a plan refinement without the necessity of a hearing and may be approved if found to be within the spirit and intent of the original plan.
- 6) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


J. Robert Haines
Zoning Commissioner

ORDER RECEIVED FOR FILING
Date 8/1/91
By J. Robert Haines



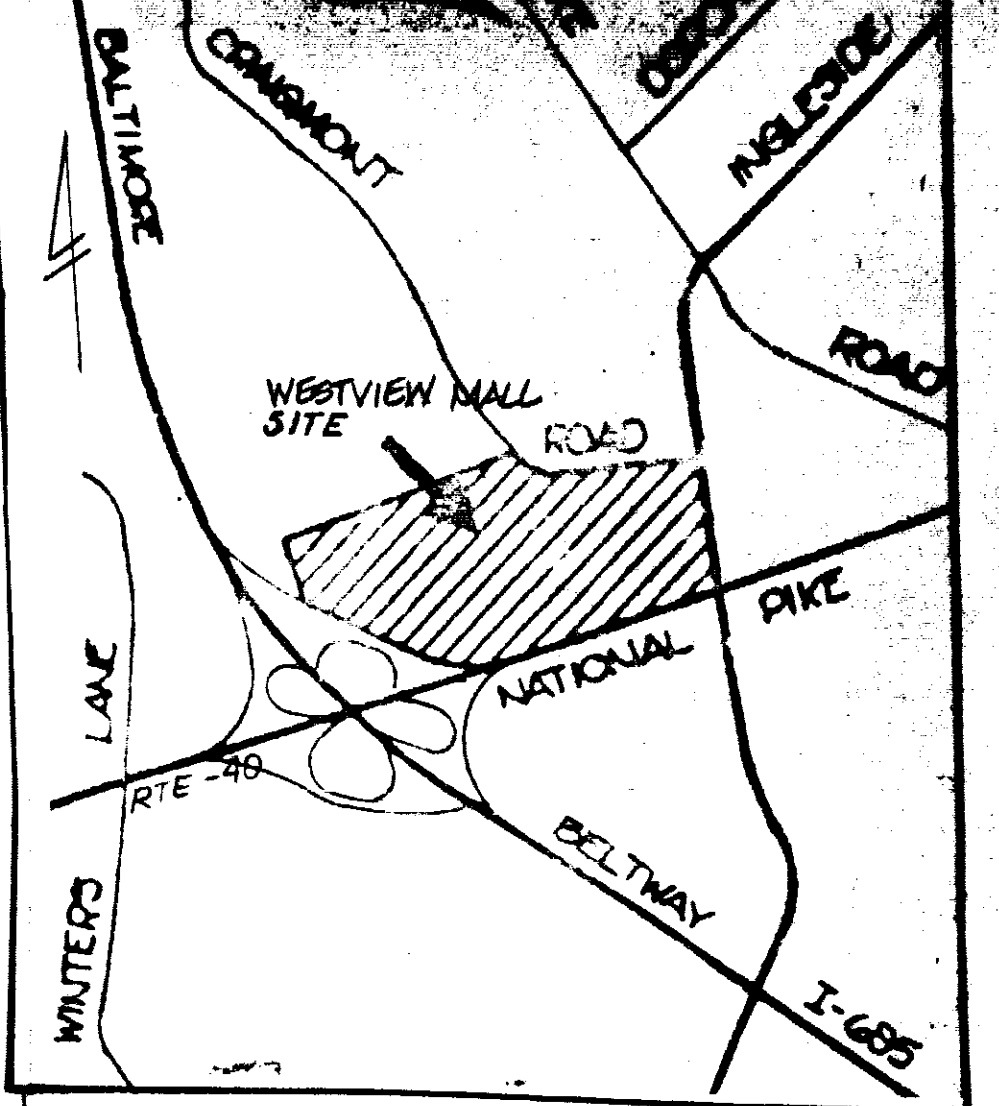
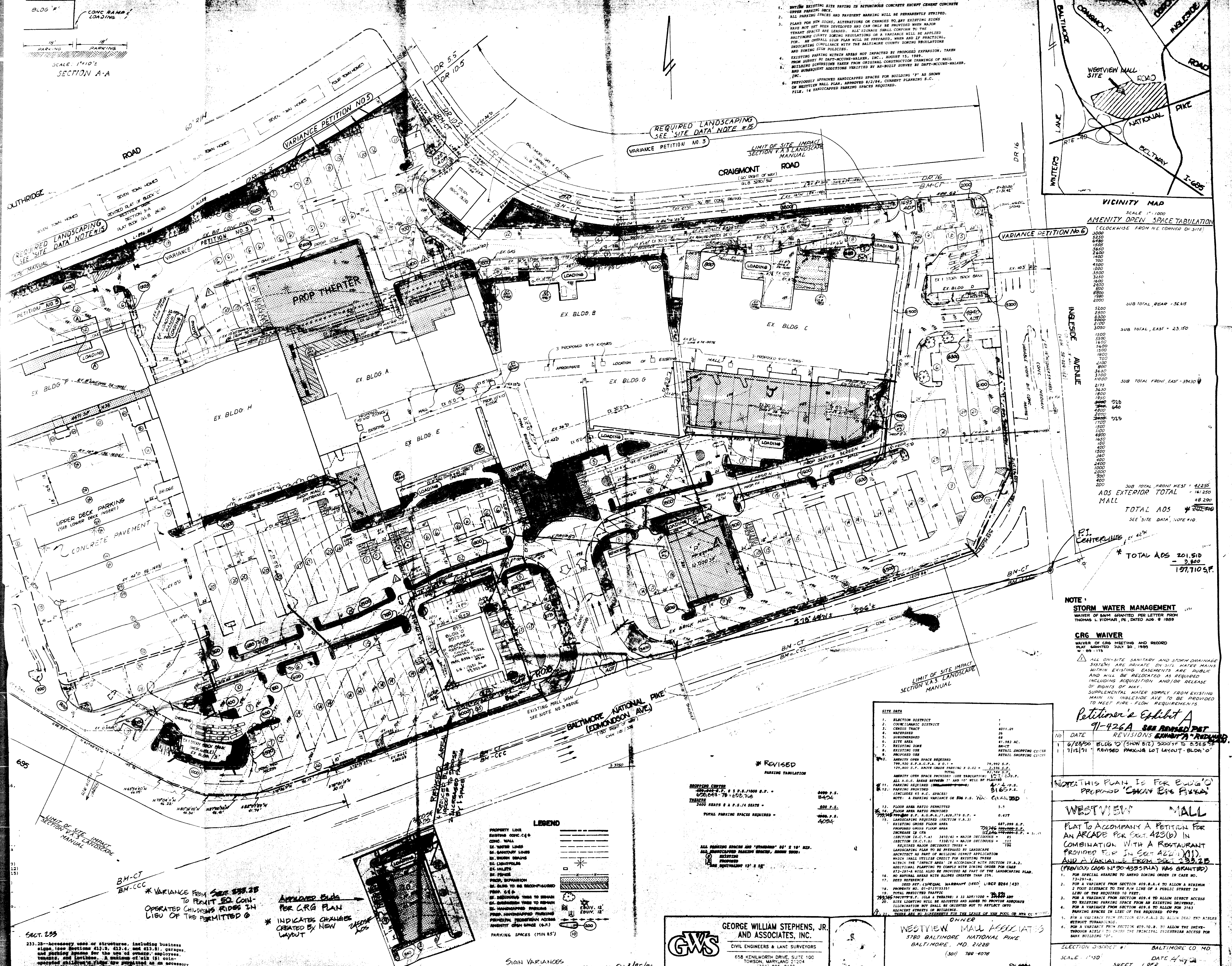
VICINITY MAP
SCALE 1"=1000'
AMENITY OPEN SPACE TABULATION
(CLOCKWISE FROM NE CORNER OF SITE)

3000
2500
2000
1500
1000
500
200
100
50
25
10
5
2
1
SUB TOTAL, REAR = 3645

5200
2500
1800
1400
1000
800
600
400
200
100
50
25
10
5
2
1
SUB TOTAL, EAST = 23,150

1500
500
100
50
25
10
5
2
1
SUB TOTAL FROM EAST = 39430

2175
3630
1800
1500
1200
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VICINITY MAP
 SCALE 1" = 1000'
AMENITY OPEN SPACE TABULATION
 (CLOCKWISE FROM NE CORNER OF SITE)
 (No. 6)

3000	
5250	
5150	
1505	
3650	
2620	
1660	
700	
4500	
1000	
3500	
3620	
1600	
2400	
800	
8800	
1980	
2090	
SUB TOTAL, REAR = 36415	
5200	
2450	
6300	
4900	
2100	
3050	
1500	
5300	
1670	
1000	
1500	
1800	
700	
4000	
800	
3630	
3100	
1000	
SUB TOTAL FRONT EAST = 38630	
275	
3630	
1800	
1510	
3000	525
3000	640
4000	
2000	
3000	525
1100	
200	
100	
4800	
1630	
100	
400	
1500	
360	
2400	
1000	
6000	
800	
200	
SUB TOTAL FRONT WEST = 42255	
AOS EXTERIOR TOTAL = 161250	
MALL	
TOTAL AOS 48290	
SEE SITE DATA, NOTE 10.	

F.I.
 CERTIFICATES
 42' N
 * TOTAL AOS 201,510
 = 3,800
 197,710.5

NOTE :
STORM WATER MANAGEMENT
WAIVER OF SWM GRANTED PER LETTER FROM
THOMAS L. VIDMAR, PE. DATED AUG. 9 1989

CRG WAIVER
 WAIVER OF CRG MEETING AND RECORD
 PLAT GRANTED JULY 20, 1989

ALL ON-SITE SANITARY AND STORM DRAINAGE SYSTEMS ARE PRIVATE. ON-SITE WATER MAINS WITHIN EXISTING EASEMENTS ARE PUBLIC AND WILL BE RELOCATED AS REQUIRED INCLUDING ACQUISITION AND/OR RELEASE OF RIGHTS OF WAY.

SUPPLEMENTAL WATER SUPPLY FROM EXISTING MAIN IN INGLESIDE AVE TO BE PROVIDED

TO MEET FIRE - FLOW REQUIREMENTS.

Petitioner's Exhibit A

91-426A SEE REVISED PET

No	DATE	REVISIONS
1	6/26/90	BLDG "O" (SHOW BIZ) 9200 SF TO 0.325 SF

NOTE: THIS PLAN IS FOR BLDG 'O'

WESTVIEW MALL

PLAT TO ACCOMPANY A PETITION FOR
AN ARCADE FOR SECT. 423(b) IN
COMBINATION WITH A RESTAURANT
PROVIDED FOR IN SECT 422(a)(1),
AND A VARIANCE FROM SECT 233.25
(SIXTY-ONE HUNDRED AND FIVE FEET)

1. FOR SPECIAL HEARING TO AMEND ZONING ORDER IN CASE NO. 73-291-A.
2. FOR A VARIANCE FROM SECTION 409.B.A.4 TO ALLOW A MINIMUM 2 FOOT DISTANCE TO THE R/W LINE OF A PUBLIC STREET IN LIEU OF THE REQUIRED 10 FEET.
3. FOR A VARIANCE FROM SECTION 409.4 TO ALLOW DIRECT ACCESS TO EXISTING PARKING SPACE FROM AN EXISTING DRIVEWAY.
4. FOR A VARIANCE FROM SECTION 409.6 TO ALLOW FOR 3163 PARKING SPACES IN LIEU OF THE REQUIRED 4099.

5. FOR A VARIANCE FROM SECTION 409.10.8 TO ALLOW DEAD END AISLES WITHOUT TURNAROUNDS.

6. FOR A VARIANCE FROM SECTION 409.10.8. TO ALLOW THE DRIVE-THROUGH AISLE TO CROSS THE PRINCIPAL PEDESTRIAN ACCESS FOR BANK BUILDING 'D'.

ELECTION DISTRICT #1 BALTIMORE CO. MD.

SCALE: 1"=30' DATE 4/16/26

SHEET 1 OF 2

SITE DATA

1. ELECTION DISTRICT	
2. COMMUNALISTIC DISTRICT	1
3. CONCRETE TRACT	1011.01
4. WATERSEED	26
5. SUBWATERSEED	68
6. SITE AREA	417.98 AC.
7. EXISTING HOUSE	80-PC
8. EXISTING USE	RETAIL SHOPPING CTR.
9. PROPOSED USE	RETAIL SHOPPING CTR.

40. AMBURY OFFICE SPACE REQUIRED

799 S.F. (A.C. 1.0) 2.0 U. 1	79,992 S.F.
129,000 S.F. (A.C. 1.0) 2.0 U. 1	2,536 S.F.

AMBURY OFFICE SPACE PROVIDED (SEE CALCULATION) 107,775 S.F.

ALL A.C. 1.0. AMBURY BETWEEN 17 AND 10 WILL BE PROVIDED

41. PARKING REQUIRED (SEE CALCULATION) 1,165 S.F.

42. PARKING PROVIDED (INCLUDES 65 CAR SPACES)

NOTE: A PARKING VARIANCE OF 206 S.F. WAS GRANTED

13. FLOOR AREA RATIO PERMITTED	0.5
14. FLOOR AREA RATIO PROVIDED	0.537
15. FLOOR AREA RATIO VARIANCE	1,279 S.F.
16. LANDSCAPING REQUIRED (SECTION V.A.3)	
17. EXISTING GRASS FLOOR AREA	687,000 S.F.
18. PROPOSED GRASS FLOOR AREA	775,440 S.F.
19. INCREASE IN CPA	112,640 (2000-0.9) S.F.
20. (SECTION 12.C.1.1) 3410/40 + MAJOR DECIDUOUS =	111
21. (SECTION 12.C.1.2) 3410/40 + MAJOR DECIDUOUS =	111
22. REQUIRED MAJOR DECIDUOUS TREES =	179
23. LANDSCAPING PLAN TO BE PREPARED BY LANDSCAPE ARCHITECT AS PART OF BUILDING PERMIT APPLICATION	
24. SHALL INCLUDE CRITERIA FOR EXISTING TREES WITHIN THE "IMPACT AREA" IN ACCORDANCE WITH SECTION IV.A.2.	
25. ADDITIONAL PLANTING TO COMPLY WITH EXISTING ORDINANCE	
26. 10-20% - 20% - 20% - 20% - 20% - 20% - 20% - 20% - 20% - 20%	
27. NO NATURAL AREAS WITH SLOPES GREATER THAN 25%.	
28. TREE PRESERVENCE	
29. DEED AFF. (SPECIAL NARRATIVE) DEED LIBER 8266 (137)	
30. NO. OF DEEDS TO BE PREPARED AND ADDED TO PROPOSED PLANS	
31. DEEDS TO BE PREPARED	33
32. CITY LIGHTING PLAN TO BE PREPARED AND ADDED TO PROPOSED PLANS	
33. ILLUMINATION NOT BE ORIENTED NOR TO REFLECT OFF ANY ADJACENT STREETS	
34. CITY LIGHTING PLAN TO BE PREPARED FOR THE LEASE OF VAN POOL OR NTA CTR.	

* REVISED

PARKING TAVULATION

SHOPPING CENTER

600-443-1 P. 8 P.S./1000 S.P. = 3400 P.S.

600-443-70 = 600-700 3404

THEATRE

3000 SEATS @ P.S./4 SEATS = 600 P.S.

TOTAL PARKING SPACES REQUIRED = 4000. P.S.

ALL RACING HORSES ARE 'STANDARD' 16" X 16" HIN.
ALL SHORTCAPPED RACING HORSES, ARROW TYPE,
21 EXISTING
PROPOSED
ALL SHORTCAPPED 16" X 16"

GWS

**GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.**

CIVIL ENGINEERS & LAND SURVEYORS

658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204

OWNER
WESTVIEW MAIL ASSOCIATES
5780 BALTIMORE NATIONAL PIKE
BALTIMORE, MD. 21228
(301) 788-4078

SECT. 233

233.2B--Accessory uses or structures, including business signs, (see Sections 413.2, 413.4, and 413.5), garages, and parking spaces for the use of owners, employees, tenants, and visitors. A building of six (6) color-coded children's signs are permitted as an accessory

* INDICATES CHANGES
CREATED BY NEW
LAYOUT

2000
LOS

PRINCIPAL INFORMATION ADDRESS
IDENTITY OPEN SPACE (6-F.)

PARKING SPACES (MIN 85')

(10)

SIGN VARIANCES